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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,649	01/20/2004	Ronald G. Dusterhoft	2003-IP-011522 U1 USA	1016
20558	7590	08/10/2005	EXAMINER	
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074			THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,649

Applicant(s)

DUSTERHOFT ET AL.

Examiner

Kenneth Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 10, 11, 13-15, 21, 22 and 29 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 6-9, 12, 16-20, 23-28 and 30-43 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/05/5/04/2/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, 5, 10, 11, 13-15, 21, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Constien, U.S. 6,394,185 in view of Miller et al., U.S. 2,981,332

Regarding claims 1, 10, 11, 22 and 29, Constien discloses a screen (22) a filter layer (20) with a temporary sealing substance containing a protein (col. 3, lines 3-5) impregnating (col. 12, lines 37-41) the filter (20) and preventing fluid flow through the filtering layer (col. 5, lines 1-17), positioning the screen (22) in the wellbore and degrading the sealing substance (col. 15, lines 10-17). Constien does not disclose expanding the screen. miller et al., teaches use of an expanding screen (40) to fill an entire annulus (col. 1, lines 40-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange to the screen disclosed by Constien to be expandable, as taught by Miller et al. to fill an annulus and prevent accumulation of sand between the production formation and screen.

As to claims 3, 13 and 15, Miller et al. teaches use of expanding after degrading (col. 4, lines 39-54).

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As to claims 5 and 21, Constein discloses exposing the sealing substance to elevated temperature (col. 3, lines 12-17).

As to claim 14, Miller et al. teaches use of conveying and expanding in a single trip.

Allowable Subject Matter

Claims are 2, 4, 6-9, 12, 16-20, 23-28 and 30-43 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not disclose or suggest all the claimed limitations including degrading after expansion.

The prior art of record does not disclose or suggest all the claimed limitations including the degrading step comprising exposing the sealing substance to water

The prior art of record does not disclose or suggest all the claimed limitations including the coating being a degradable polymer.

The prior art of record does not disclose or suggest all the claimed limitations including the positioning a filter layer between an outer shroud and an inner base pipe

The prior art of record does not disclose or suggest all the claimed limitations including a source of water in the form of a hydrated compound.

The prior art of record does not disclose or suggest all the claimed limitations including an expander tool.

The prior art of record does not disclose or suggest all the claimed limitations including circulating fluid through the screen while the sealing substance prevents fluid flow through the screen wall.

The prior art of record does not disclose or suggest all the claimed limitations including a plasticizer.

The prior art of record does not disclose or suggest all the claimed limitations including a polylactic acid.

The prior art of record does not disclose or suggest all the claimed limitations including a polyphenyl lactide.

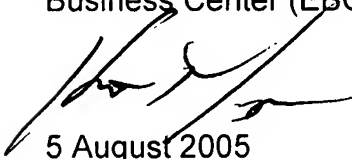
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5 August 2005
KT